



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

June 14, 2001

EC-2002-030  
II-A-124

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Kevin McAteer  
RFG Compliance Manager  
Gulf Oil Limited Partnership  
Harbour Executive Park  
151 Everett Avenue  
Chelsea, MA 02150

Re: File No. AED/MSEB - 6038  
NOTICE OF VIOLATION OF THE CLEAN AIR ACT

Dear Mr. McAteer:

On February 22, 1999, a compliance audit team for the U.S. Environmental Protection Agency ("EPA") conducted an audit of Gulf Oil Limited Partnership ("Gulf"), located in Chelsea, Massachusetts, for compliance with section 211 of the Clean Air Act ("Act"), 42 U.S.C. § 7545(k), and the regulations issued thereunder (40 C.F.R. Part 80, Subpart E). Gulf, as an importer of reformulated gasoline, is subject to the requirements of the Act and EPA fuel regulations.

Where inappropriate fuels are used in internal combustion engines the emissions of harmful gases can increase significantly. Notwithstanding improvements in vehicle emission controls, emissions from motor vehicles continue to make up a very large portion of all air pollution. Congress has established a program of improvement and regulation of fuels to protect our air quality from unnecessary pollution associated with the misfueling of vehicles.

The compliance audit team reviewed documents and operations supporting the filings for the reporting periods including 1996 and 1997. As a result of EPA's audit of Gulf, EPA determined that Gulf (1) failed to correlate results of aromatics analyzed by ASTM D-1319 to the GCMS for 1996 & 1997 as required by 40 C.F.R. § 80.46; (2) failed to ensure that its attest auditors kept documentation supporting their findings pursuant to 40 C.F.R. § 80.130; and (3) failed to report the correct batch volumes of four batches between 1996 and 1998 pursuant to 40 C.F.R. § 80.75.

Sections 211 and 205 of the Act, 42 U.S.C. §§ 7545 and 7524, authorize EPA to assess a civil penalty of up to \$27,500 per day for each such violation plus the economic benefit or savings resulting from the violation. In determining the appropriate penalty for violations such as this, we consider the gravity of the violations, the economic benefit or savings (if any) resulting from the violations, the size of your business, your history of compliance with the Act, actions taken by you to remedy the violations and prevent future violations, the effect of the penalty on your ability to continue in business, and other matters as justice may require. Based on these factors, we propose a civil penalty of \$10,000 for the violations alleged in this Notice.

We encourage early settlement of matters such as this. The settlement process provides substantial flexibility for reducing the proposed penalty, particularly if the alleged violation is corrected promptly. If we cannot settle this matter promptly, we reserve the right to file an administrative complaint or refer this matter to the United States Department of Justice with a recommendation to file a civil complaint in federal district court.

Please contact the EPA attorney designated below regarding this Notice:

Jacqueline Robles Werner, Attorney  
U.S. Environmental Protection Agency  
Mobile Sources Enforcement Branch (2242-A)  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
Phone number: (202) 564-1036

Let me once again emphasize that while we take our obligation to enforce these requirements seriously, we will make every effort to reach an equitable settlement in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard Biondini" or similar, written in a cursive style.

Bruce C. Buckheit, Director  
Air Enforcement Division